

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:23 CR 140
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
JACOB LUKOMSKI,)	MEMORANDUM OPINION
)	AND ORDER
Respondent.)	

This matter is before the Court on Defendant, Jacob Lukomski's Motion to Revoke Detention Order. (ECF #21). The Government filed a response in opposition to Mr. Lukomski's Motion (#450). Mr. Lukomski had his initial appearance and arraignment before Magistrate Judge Carmen E. Henderson on May 9, 2023. The government moved for detention and he was remanded to the custody of the U.S. Marshals pending the outcome of a detention hearing. (ECF #12). The detention hearing was held before the same Magistrate Judge on May 15, 2023. Following the hearing, Magistrate Judge Henderson found that there was a rebuttable presumption of detention pursuant to 18 U.S.C. §3142(e)(3). Although the defendant presented evidence sufficient to rebut the presumption, when considered in combination, the presumption of detention, the factors considered under 18 U.S.C. §3142(g), and other evidence presented at the hearing established by clear and convincing evidence that no condition or combination of conditions of could reasonably assure the safety of any other person and the community if Mr.

Lukomski were released. The evidence established that the weight of the evidence against the defendant is strong; he has a significant prior criminal history; he has multiple prior violations of probation and supervision, including participation in criminal activity; and, he has a history of substance abuse. (ECF #18). Magistrate Judge Henderson, therefore, ordered him detained. (ECF #18).

Mr. Lukomski now seeks reconsideration of his detention order. (ECF #21). The Court has reviewed the motion. There is no evidence, however, of any change of circumstance or new evidence that was not available at the time of his original hearing that would support a reconsideration of his current detention. More importantly, however, he has failed to present any evidence that would undermine the initial determination that detention is appropriate in this case. None of the arguments presented by the Defendant constitutes new evidence that would alter the analysis performed by Magistrate Judge Henderson. Nothing presented by the Defendant changes his history of non-compliance with the terms of release, or his history of prior convictions and substance abuse. He is facing the possibility of a lengthy sentence, and his charges involve both distribution of methamphetamine and possession of a loaded firearm. Further, the defense has not challenged the government's representation that there is significant evidence against the Defendant.

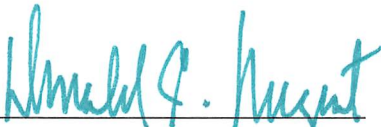
Even if the Court were to require inpatient drug counseling as a condition of release, there is insufficient evidence that Mr. Lukomski is reasonably likely to adhere to all conditions of his release. He has admittedly struggled with addiction for much of his adult life. He has been in treatment before and has, nonetheless, returned to the use of illegal substances. The criminal activity alleged in this case represents an escalation from his prior offenses. Most importantly he has violated terms of probation and supervision before on multiple occasions. The Court,

therefore, finds that there is still no condition or combination of conditions that would reasonably assure the ensure the safety of the community if Mr. Lukomski were released from detention.

The Court is cognizant that Mr. Lukomski has been in custody for a significant period of time while this case has been proceeding. The trial was originally set for June 26, 2023, and both the government and this Court were prepared to begin trial on that date. Mr. Lukomski recently requested a continuance of the trial date in order to adequately prepare for trial, which this Court granted. (ECF #20). However, the Court is prepared to schedule Mr. Lukomski's trial as soon as the defense is prepared to proceed.

Mr. Lukomski 's Motion for to Revoke Detention Order is, therefore, DENIED.

IT IS SO ORDERED


DONALD C. NUGENT
United States District Judge

DATED: June 20, 2023